

ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
KAREN A. WHELAN, ESQ.
Nevada Bar No. 10466
AKERMAN LLP
1635 Village Center Circle, Ste. 200
Las Vegas, Nevada 89134
Telephone: (702) 634-5000; Facsimile: (702) 380-8572
Email: ariel.stern@akerman.com
Email: karen.whelan@akerman.com

Attorneys for Plaintiff Bank of America, N.A.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,
Plaintiff,

vs.

SILVER TERRACE II LANDSCAPE
MAINTENANCE ASSOCIATION;
RAVENSTAR INVESTMENTS, LLC;
RONALD L. BRANDON; PHIL FRINK &
ASSOCIATES, INC.; GAYLE A. KERN, LTD.
DBA KERN & ASSOCIATES, LTD,
Defendants.

Case No.: 3:16-cv-00714-MMD-WGC

**MOTION FOR EXTENSION OF TIME TO
FILE JOINT STATUS REPORT
PURSUANT TO COURT'S AUGUST 10,
2018 ORDER [ECF NO. 77] AND AUGUST
21, 2018 ORDER [ECF 79].**

(SECOND REQUEST)

Plaintiff Bank of America, N.A. (BANA), and Defendants Silver Terrace II Landscape Maintenance Association (Silver Terrace), Ravenstar Investments, LLC and (Ravenstar), stipulate and move the court for a fourteen-day extension of time to file a status report pursuant to the court's August 10, 2018 Order:

1. On December 12, 2017 this court stayed this case pending the outcome of Raventar's bankruptcy, except for pending motions to dismiss. ECF No. 71.
2. On January 9, 2018, the court granted Kern's motion to dismiss with prejudice, dismissing all claims against A. Kern, Ltd. d/b/a Kern & Associates, Ltd. ECF No. 74, 75.

...

1 3. On January 9, 2018 the court Silver Terrace Landscape Maintenance, II's motion to
2 dismiss as to the second and third claims of the complaint and denied the motion to dismiss as to the
3 first claim for quiet title. ECF No. 74. Parties are to file a status report within seven days of the
4 resolution of Ravenstar's bankruptcy or lifting of the stay. *Id.*

5 4. The Nevada Supreme Court answered the certified question on August 2, 2018. *SFR*
6 *Invs. Pool I, LLC*, No. 72931, 2018 WL 3655608, at *1 (Nev. Aug. 2, 2018).

7 5. On August 10, 2018, the court directed the parties to file a status report on the
8 resolution of the certified question in Nev. S.Ct. Case No. 72931 by August 17, 2018. ECF No. 77.

9 6. On August 21, 2018 this court granted an extension to file the joint status report,
10 granting the parties until August 31, 2018 to file.

11 7. Counsels for Silver Terrace and Bank of America have spoken, and counsel for Bank
12 of America has circulated a proposed status report to the parties. However, Counsel for Ravenstar
13 has not responded.

14 6. Good cause exists to extend the parties' deadline to file a status report by fourteen
15 days, from August 31, 2018 to September 20, 2018. Bank of America's counsel, Akerman LLP, is
16 counsel of record for the plaintiff in numerous cases pending in this court, and soon due in other
17 federal courts, requiring status reports and scheduling orders due on various dates. Additional time
18 is needed to make contact with Ravenstar and other opposing counsel and discuss the circulated
19 report outlining the parties' respective positions on the current status and future trajectory of this case
20 in light of the Nevada Supreme Court's ruling.

21 7. Counsel for Bank of America communicated with Silver Terrace' counsel regarding
22 the need for an extension and he was in agreement. As stated above, Ravenstar's counsel has not
23 made contact with either counsel.

24 8. This is the Bank of America's second request for an extension and is made on behalf
25 of Bank of America and Silver Terrace, and is not intended for the purpose of delay or prejudicing
26 any party.

27 ...

28 ...

1 WHEREFORE, Bank of America respectfully request the court extend the parties' deadline
2 to file a joint status report pursuant to the court's August 10, 2018 and August 21, 2018 orders, ECF
3 Nos. 77 and 79 up to, through and including Thursday, September 20, 2018, and grant such other
4 and further relief as the court deems proper

5 Respectfully submitted, this 31st day of August, 2018.

6 **AKERMAN LLP**

7 /s/ Karen A. Whelan.

8 ARIEL E. STERN, ESQ.

9 Nevada Bar No. 8276

10 KAREN A. WHELAN, ESQ.

11 Nevada Bar No. 10466

12 1635 Village Center Circle, Ste. 200

13 Las Vegas, Nevada 89134

14 Attorneys for Plaintiff Bank of America, N.A.

15 **ORDER**

16 IT IS SO ORDERED.

17 

18 UNITED STATES DISTRICT JUDGE

19 DATED: September 4, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Akerman LLP, and that on the 31st day of August, 2018, I caused to be served a true and correct copy of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE JOINT STATUS REPORT PURSUANT TO COURT'S AUGUST 10, 2018 ORDER [ECF NO. 77] AND AUGUST 21, 2018 ORDER [ECF 79]. (SECOND REQUEST)**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to FRCP 5(b), the above referenced document was electronically filed on the date hereof with the Clerk of the Court for the United States District Court by using the Court's CM/ECF system and served through the Court's Notice of electronic filing system automatically generated to those parties registered on the Court's Master E-Service List as follows:

LEWIS, BRISBOIS, BISGAARD, & SMITH LLP Marc S. Cwik, Esq. Bradley M. Marx, Esq. 6385 South Rainbow Blvd., Suite 600 Las Vegas, NV 89118 <i>Attorneys for Defendant Silver Terrace II Landscape Maintenance Association</i>	DARBY LAW PRACTICE, LTD. Kevin A. Darby, Esq. Tricia M. Darby, Esq. 200 S. Virginia Street, Suite 800 Reno, Nevada 89501 <i>Attorney for Defendant Ravenstar Investments, LLC</i>
LEACH KERN GRUCHOW ANDERSON & SONG Gayle A. Kern, Esq. Karen M. Ayarbe, Esq. 5421 Kietzke Lane, Suite 200 Reno, NV 89511 <i>Attorneys for Gayle A. Kern, Ltd.</i>	

/s/ Carla Llarena
 An employee of AKERMAN LLP